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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,181	06/28/2001	Frank J. Ponzio JR.	4640-102	5315

25241 7590 07/25/2005

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100 THANET CR, SUITE 306  
PRINCETON, NJ 08540

EXAMINER
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WANG, LIANG CHE A

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/894,181

Applicant(s)

PONZIO, FRANK J.

Examiner

Liang-che Alex Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 37-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/12/05</u> etc.  | 6) <input type="checkbox"/> Other: _____                                    |



### **DETAILED ACTION**

1. Claims 37-70 have been examined.

#### ***Paper Submitted***

2. It is hereby acknowledged that the following papers have been received and placed of record in the file:
  - a. **Information Disclosure Statements** as received on 5/12/2005, 1/28/2005, 11/08/2004 are considered.

#### ***Response to Arguments***

3. Applicant's arguments filed 5/12/2005, have been fully considered but they are not persuasive.
4. In that remarks, applicant's argues in substance:
  - a. That: However, Baker neither discloses nor teaches a system for signaling content quality of preexisting digital data between digital devices including a digital source and a digital receiver, the preexisting digital data having a plurality of data records, each of the plurality of data records having a plurality of data fields, assigning a grade indicative of the quality of the content of the preexisting digital data using at least one or more predefined sets of criteria; and, marking the preexisting digital data with the assigned grade without changing and without accessing the content of the preexisting digital data; wherein the digital receiver

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dynamically accesses the -marked grade of the preexisting digital data to determine suitability for subsequent use. (remarks pages 11 and 12)

This is found not persuasive because the claimed limitation “wherein the digital receiver dynamically accesses the marked grade of the preexisting data ... without accessing the preexisting digital data”, “whereby another digital receiver can independently determine suitability from the marked grade for another subsequent user of the preexisting digital data without accessing the preexisting digital data” are contradictory and does not enable one skilled in the art to make and use of the invention.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 37-70 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Independent claims 37 and 54, recites the limitations “wherein the digital receiver dynamically accesses the marked grade of the preexisting data ... without accessing the preexisting digital data”, “whereby another digital receiver can independently determine suitability from the marked grade for another subsequent user of the preexisting digital

data without accessing the preexisting digital data” are contradictory and does not enable one skilled in the art to make and use of the invention. Based on the statement “marked grade of the preexisting digital data”, “marked grade” is clearly part of “the preexisting digital data”, Accessing the marked grade is therefore accessing part of the preexisting digital data. The statement of “wherein the digital receiver dynamically accesses the marked grade of the preexisting data ... without accessing the preexisting digital data” is contradictory and impossible.

7. All dependent claims are rejected to as having the same deficiencies as the claims they depend from.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 37-70 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker et al., US Patent Number 5,678,041, hereinafter Baker.
10. Referring to claim 37, Baker teaches a system for signaling content quality (resource rating 101-105) of preexisting digital data (network resources) between digital devices including a digital source (figure 1, network resources 101-105 are computing devices contains data resources) and a digital receiver (users 107-109 are retrieving the data resources), the preexisting digital data having a plurality of data records (list 116) having

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a plurality of data fields (URL101 and Resource Rating101), the system (see title and Col 3 lines 8-32) comprising:

- a. assignment means for assigning a grade indicative of the quality of the content of the preexisting digital data (Col 4 lines 35-37) using a least one or more predefined sets of criteria (Col 4 lines 53-60);
- b. means for marking the preexisting digital data with the assigned grade without changing and without accessing the content of the preexisting digital data (Col 4 lines 13-16, Col 4 lines 32-35);
- c. wherein the receiver dynamically accesses the marked grade of the preexisting digital data to determine suitability for subsequent use of the preexisting digital data without having to access the preexisting digital data (Col 5 lines 8-15 and Fig. 1, users dynamically access to the list for rating information without having to access the network resources);
- d. whereby another digital receiver can independently determine suitability from the marked grade for another subsequent user of the preexisting digital data without accessing the preexisting digital data (Col 5 lines 8-15 and Fig. 1, users dynamically access to the list for rating information without having to access the network resources).

11. Referring to claim 38, Baker teaches the system as recited in claim 37 further comprising means for associating a portion of a filename to the assigned grade (see figure 1, list 116, URL101 is associated with resource\_rating101, and URL is viewed as a portion of a filename.)

12. Referring to claim 39, Baker teaches the system as recited in claim 38 wherein the file name corresponds to a file containing the preexisting digital data (URL is a file name corresponds to a file containing the data. Ex. [www.uspto.gov/main.htm](http://www.uspto.gov/main.htm) corresponds to file “main.htm” in domain www.uspto.gov).
13. Referring to claim 40, Baker teaches the system as recited in claim 37 further comprising means for associating a grade file with the assigned grade (Col 4 lines 35-37, list 116 is a grade file with the grade).
14. Referring to claim 41, Baker teaches the system as recited in claim 37 wherein the quality of content corresponds to a particular data field of the plurality of data field (Col 4 lines 53-60, NV, MV, V are stored in a particular data field (resources\_rating101-105) refer the quality of content of data).
15. Referring to claim 42, Baker teaches the system as recited in claim 37 wherein the quality of content corresponds to a particular data record of the plurality of data record (Col 4 lines 35-37, list 116 contains resource\_rating101-105 which are correspond to URL101-105).
16. Referring to claim 43, Baker teaches the system as recited in claim 42 wherein a particular quality of the content corresponds to a particular record of the plurality of data records (Figure 1, resource\_rating101 corresponds to URL101.)
17. Referring to claim 44, Baker teaches the system as recited in claim 42 wherein a particular quality of the content corresponds to a particular field of the plurality of data fields (resourcerating NV corresponds to URL101.)

18. Referring to claim 45, Baker teaches the system as recited in claim 37 wherein at least one of the one or more predefined sets of criteria for determining the quality of the content is a predefined function (Col 4 lines 44-60).
19. Referring to claim 46, Baker teaches the system as recited in claim 37 wherein at least one of the one or more predefined sets of criteria for determining the quality of the content accesses a database (Col 4 lines 23-25, Figure 1 database 114).
20. Referring to claim 47, Baker teaches the system as recited in claim 37 wherein at least one of the one or more predefined sets of criteria for determining the quality of the content is externally defined function (Col 4 lines 44-60).
21. Referring to claim 48, Baker teaches the system as recited in claim 37 wherein at least one of the one or more predefined sets of criteria for determining the quality of the content uses access to an independent database (Figure 1, database 114 is external and independent to network resources 101-105 and users 107-109).
22. Referring to claim 49, Baker teaches the system as recited in claim 37 wherein the grade is a numeric value, a color, or a Boolean (Col 4 lines 52-60, the resource rating NV, MV, and V are Booleans.)
23. Referring to claim 50, Baker teaches the system as recited in claim 37 further comprising means for associating the grade to data set (list 116, figure 1).
24. Referring to claim 38, Baker teaches the system as recited in claim 37 wherein at least one of one or more predefined sets of criteria for determining the quality is selected by the receiver (Col 5 lines 1-7, and line 55-65.)



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25. Referring to claim 52, Baker teaches the system as recited in claim 37 further comprising means for assigning a rating as a function of the grade (Col 4 lines 52-60).
26. Referring to claim 53, Baker teaches the system as recited in claim 37 wherein a different one of the one or more predefined sets of criteria for determining the quality provides a different grade for the preexisting data (Col 4 lines 53-60).
27. Referring to claims 54-70, claims 54-70 encompass the same scope of the invention as that of the claims 37-53. Therefore, claims 54-70 are rejected for the same reason as the claims 37-53.

### *Conclusion*

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is

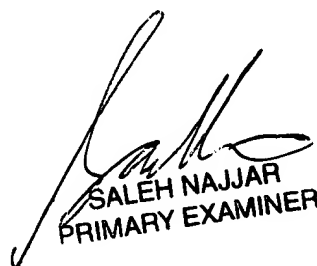
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(571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang  
July 20, 2005



SALEH NAJJAR  
PRIMARY EXAMINER